

**Exhibit H**



HealthExtras, Inc.  
800 King Farm Boulevard  
Rockville, MD 20850  
Telephone: 301.548.2900  
Facsimile: 240.268.3120

August 7, 2007

Louis Smith, Esq.  
Greenberg Traurig LLP  
200 Park Avenue  
Florham Park, NJ 07932

*Via Fax (973/301-8410) and  
Federal Express Mail*

Re: American Express Travel Related Services vs HealthExtras, Inc.  
In the United States District Court for the Southern District of New York  
Civil Action No. 07 CV 6986 (NRB)

Dear Lou:

I have reviewed a courtesy copy of the above captioned action which you filed on behalf of your client, American Express Travel Related Services, Inc. (Amex), on August 3, 2007. Because the action is premised on the parties' September 17, 1999 Marketing Agreement and the June 23, 2006 Letter Agreement, HealthExtras contends that the dispute resolution procedure outlined in paragraph 20 (e) of the Marketing Agreement is implicated. Subsection (iv) of paragraph 20(e) requires a meeting of executives followed by formal mediation as a pre-condition to filing an action. As such, HealthExtras' position is that the lawsuit your client has brought is pre-mature. Therefore, I am requesting that you dismiss the action and that Amex comply with the dispute resolution procedure.

I would further observe that this communication is the third time HealthExtras has requested that Amex comply with the dispute resolution procedure. The prior requests were by HealthExtras CEO, David Blair, in his letter to Naeemah Ruffin on May 29, 2007, and my letter to you on July 20, 2007. Please confirm that the action will be dismissed, and that Amex will follow the contractually mandated dispute resolution procedure unencumbered by an improvidently filed lawsuit.

Your prompt response is requested in light of the abbreviated briefing schedule set by the Court on Amex's Motion for Preliminary Injunction.

Yours sincerely,

Joseph M. Mott  
Deputy General Counsel

cc: Ms. J. Whitney Stevens, Vice President  
American Express Travel Related Services

Louis Smith, Esq.

May 7, 2007

Page 2

Ms. Naeemah Ruffin, Vice President & General Manager of Card Services, CCSG  
American Express Travel Related Services

JMM/slb

# Greenberg Traurig

Louis Smith  
Tel. (973) 360-7815  
Fax (973) 301-8410  
smithlo@gtlaw.com

August 8, 2007

## VIA FACSIMILE

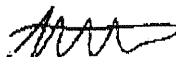
Joseph M. Mott  
Deputy General Counsel  
HealthExtras, Inc.  
800 King Farm Boulevard  
Rockville, Maryland 20850

Re: **American Express Travel Related Services Company, Inc.  
v. HealthExtras, Inc.  
Civil Action No. 07-cv 6986 (NRB)**

Dear Joe:

I am writing in response to your letter to me dated August 7, 2007. American Express rejects the contention that the dispute resolution procedure in the Marketing Agreement is relevant to the present dispute or somehow requires dismissal of the pending action. Accordingly, American Express will not agree to dismiss the pending action.

Sincerely yours,



Louis Smith

LS/smh

ALBANY  
AMSTERDAM  
ATLANTA  
BOCA RATON  
BOSTON  
BRUSSELS\*  
CHICAGO  
DALLAS  
DELAWARE  
DENVER  
FORT LAUDERDALE  
HOUSTON  
LAS VEGAS  
LONDON\*  
LOS ANGELES  
MIAMI  
MILAN\*  
NEW JERSEY  
NEW YORK  
ORANGE COUNTY  
ORLANDO  
PHILADELPHIA  
PHOENIX  
ROME\*  
SACRAMENTO  
SILICON VALLEY  
TALLAHASSEE  
TAMPA  
TOKYO\*  
TYSONS CORNER  
WASHINGTON, D.C.  
WEST PALM BEACH  
ZURICH  
\*Strategic Alliance  
Tokyo Office/Strategic Alliance  
[www.gtlaw.com](http://www.gtlaw.com)

STATE OF NEW YORK     )  
                              )ss  
COUNTY OF NEW YORK )

Claudia E. Blanchard, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides in Queens,  
New York.

On August 15, 2007, deponent personally served the within AFFIDAVIT OF DAVID T. BLAIR IN SUPPORT OF DEFENDANT HEALTHEXTRAS' OPPOSITION TO AMERICAN EXPRESS' MOTION FOR PRELIMINARY INJUNCTION upon:

Louis Smith, Esq.  
GREENBERG TRAURIG, LLP  
Attorneys for Plaintiff  
MetLife Building  
200 Park Avenue  
New York, New York 10166

Claudia E. Blanchard  
Claudia E. Blanchard

Sworn to before me this  
15<sup>th</sup> day of August, 2007

James John  
Notary Public

**Jenna M. John**  
**Notary Public, State of New York**  
**No. 01JO6164720**  
**Qualified in Kings County**  
**Commission Expires Apr. 30, 2011**